

THE CORPORATION OF THE CITY OF THUNDER BAY

BY-LAW NUMBER 135 1992

A By—law to prohibit and regulate signs and other advertising devices in the City of Thunder Bay.

WHEREAS the Municipal Act, R.S.O. 1990, Chapter M. 45, Section 210 provides, in subsections 146, 148 and 149, that By—laws may be passed by councils of local municipalities as follows:

146. For prohibiting or regulating signs and other advertising devices or any class or classes thereof and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway.

a) A by—law passed under this paragraph may specify a time period during which signs or other advertising devices in a defined class may stand or be displayed in the municipality and may require the removal of such signs or other advertising devices which continue to stand or be displayed after such time period has expired.

b) A by—law passed under this paragraph may require the production of the plans of all signs or other advertising devices to be erected, displayed, altered or repaired and provide for the charging of fees for the inspection and approval of such plans and for the fixing of the amount of such fees and for the issuing of a permit certifying to such approval and may prohibit the erection, display, alteration or repair of any sign or advertising device where a permit has not been obtained therefor and may authorize the refusal of a permit for any sign or other advertising device that if erected or displayed would be contrary to any by—law of the municipality.

c) A change in the message displayed by a sign or other advertising device does not in itself constitute an alteration.

d) A by—law passed under this paragraph may authorize the pulling down or removal at the expense of the owner of any sign or other advertising device that is erected or displayed in contravention of the by—law and may require any person who,

(i) has caused a sign or other advertising device to be erected, displayed, altered or repaired without first having obtained a permit to do so, or

(ii) having obtained a permit has caused a sign or other advertising device to be erected, displayed, altered or repaired contrary to the approved plans in respect of which the permit was issued, to make such sign or other advertising device comply with the by—laws of the municipality if it does not so comply or to remove such sign or other advertising device within such period of time as the by—law specifies.

148. For prohibiting or regulating the nailing or otherwise attaching of anything or the causing of anything to be so nailed or otherwise attached to or upon any property managed and controlled by a public utility commission or of a local board as defined in clause (a) of paragraph 46 of Section 207.

149 . For prohibiting the pulling down or defacing of signs or other advertising devices and notices lawfully affixed.

AND WHEREAS the Council of the Corporation of the City of Thunder Bay deems it appropriate to enact such a By—law in respect of all lands within the City of Thunder Bay:

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

SECTION 1 - TITLE

1.1 Short Title

This By—law may be known and cited as the "Sign By-law".

SECTION 2 - DEFINITIONS

2.1 a) For the purpose of this By—law, the definitions and interpretations given in this Section shall govern;

b) in this By—law, the word “shall” is mandatory;

c) reference to Provincial Legislation shall mean Ontario Legislation, R.S.O. 1990, and includes the Act both as amended and revised from time to time, or any legislation enacted in substitution therefor.

"Apartment building" means a building containing three or more dwelling units.

"Apartment development" means two or more apartment buildings on one property or owned or managed as a single development.

"Automotive service station" means an automotive service station as defined by the Zoning By—law.

"Building Inspector" means a Building Inspector or Chief Building Official of the City of Thunder Bay and his designated representative.

"Canopy" means that portion of a building which projects for the purpose of giving cover at an entrance and which may or may not have signs thereon.

"Commercial building" means a building containing commercial uses as defined by the Zoning By—law.

"Commercial Zone" includes any zone that has the word “Commercial” in the zone title, as defined and designated by the Zoning By—law.

”Corner automotive service station" means an automotive service station on property located at the intersection of two or more streets.

"Corner building" means a building on property located at the intersection of two or more streets.

"Corporation" means the Corporation of the city of Thunder Bay.

"Dwelling unit" means a dwelling unit as defined by the Zoning By—law.

"Emergency response personnel" means firefighters, ambulance attendants, paramedics or similar response personnel.

"Frontage" means the measurement of a property abutting a street line.

“Future Development Zone" means a Future Development Zone as defined and designated by the Zoning By—law.

"Industrial Zone" includes any zone that has the word "Industrial" in the zone title as defined and designated by the Zoning By—law and for the purposes of this By—law shall also include an Airport Zone, Utilities and Services Zone and Railway Zone as defined and designated by the Zoning By—law.

”Institutional Zone" includes any zone that has the work "Institutional" in the zone title as defined and designated by the Zoning By—law.

"Licence By—law” means The Board of Commissioners Of Police for The Corporation of the City of Thunder Bay By—law Number PC23--1983 as amended or any by—law enacted in substitution therefore.

"Marquee" shall mean an attachment to a building which projects for the usual purpose of giving cover and which may or may not have advertising signs thereon.

”Open Space Zone" means an Open Space Zone as designated by the Zoning By—law.

"Property line" means a line dividing one property from another property.

"Residential Estate Zone" means a Residential Estate Zone as designated by the Zoning By—law.

"Residential Zone" includes any zone that has the word "Residential" in the zone title, as defined and designated by the Zoning By—law.

"Rural Residential Zone" means a Rural Area Zone as designated by the Zoning By—law.

"Shopping centre" means a shopping centre as defined by the Zoning By—law.

"Sidewalk" means a public sidewalk and shall not include a sidewalk located on private property.

"Sign" includes an advertising device or notice and means any visual medium, including its structure and other component parts, which is used or capable of being used to attract attention to a specific subject matter, other than itself, for identification, information or advertising purposes.

"Sign, Bench" means any sign that is painted, placed or attached to a bench.

"Sign, Cartop" means any sign that is displayed on top of a vehicle.

"Sign, Encroaching" means any sign which hangs over or encroaches upon any street and includes any device used as support for such sign.

"Sign, Ground" means a sign directly supported by the ground without the aid of any other building or structure, other than the sign structure.

"Sign, Identification" means a sign, including in while or in part, only the name, address and telephone number of the premises, including any insignia related thereto, plus the name, address and telephone of the owner and/or manager of the premises.

"Sign, Mobile" means a sign not exceeding 6.7 square metres in area and 3.0 metres in height and situated on the ground but not permanently affixed thereto and without restricting the generality of the foregoing, be deemed to include signs that may be moved from place to place.

"Sign, Mobile billboard" means a sign greater in area than 6.7 square metres or exceeding 3.0 metres in height and situated on the ground but not permanently affixed thereto and without restricting the generality of the foregoing, be deemed to include signs that may be moved from place to place.

"Sign, No Trespassing" means a sign prohibiting, limiting or regulating entry or activities on the property.

"Sign, Public Information" means any of the following signs:

Sign erected by or for a government agency;

Signs designating public hospitals, churches, schools operated by a public board or an ecclesiastical authority other than a nursery school, a public library, a community centre or arena or other government use;

Signs erected in parks, stadia or playgrounds for use as scoreboards or timers provided that the non-scoreboard or non-timer area of any such sign is not greater than one quarter of the total sign area.

"Sign, Real estate" means a sign advertising the sale or rental of property upon whicÌ1 the sign is located.

"Sign, Roof" means a sign which is located entirely on or above the main roof of a building or located entirely above a parapet of a building.

"Sign, Temporary Open House" means a sign advertising an open house being conducted at a property being offered for sale or rent.

"Sign, Transit shelter" means an advertising sign displayed upon or within a transit shelter.

"Sign, Wall" means a sign entirely supported by or through the face of a building or structure, or by component members comprising all or a part of said face.

"Sign area" means the number of square metres or part thereof on the surface or surfaces of a sign including the border and frame, and where there is no border shall include all the area of the surfaces lying with the extremities of the sign.

"Sign face" means that portion of the sign, excluding the sign structure, upon which, as part of, against or through which the message of the sign is displayed.

"Sign height" means the vertical distance from the ground to the top of the sign, including the border or frame where applicable.

"Sign structure" means a structure which supports, did support or which is constructed to support a sign face, and which in turn is supported by the ground or by a building or structure not an integral part of the sign.

"Street" means a street, highway, road or other public right of way including a road allowance and sidewalk, but does not include a private lane.

"Street, residential" means a street within a Residential Zone.

"Street line" means a line dividing a property from a street.

"Zoning By—law" means City of Thunder Bay Zoning By—law 177—1983 as amended or any by—law enacted in substitution therefore.

SECTION 3 - EXCEPTIONS WITH RESPECT TO LOCATION AND SAFETY

3.1 The provisions of this By—law shall not apply to:

a) A public information sign.

b) A No trespassing sign and a safety or caution sign including an entrance, exit and parking sign on private property, provided that the sign area does not exceed .46 square metres.

c) Maintenance or repairs using materials identical to the materials of the component being maintained or repaired.

d) A non—illuminated real estate sign provided that such sign is located on the building or property being advertised and that the sign area does not exceed 1.0 square metres.

e) A non—illuminated sign not exceeding 18.6 square metres in area stating the name of the builder or project to be built on the property on which the sign is located and stating names and addresses of owners, contractors, consultants, provided that such sign shall be removed within six (6) months of first occupancy.

f) Signs or lettering attached to or painted directly on a vehicle, provided that such vehicle, is not being used mainly for sign purposes at any location at which such sign may not otherwise be permitted.

g) Transit shelter signs, bench signs, waste container signs or similar advertising objects where such are erected or displayed under separate agreement with the Corporation.

h) Cartop signs where such are erected or displayed in accordance with the Licence By—law.

(g) A sign or advertising device that is lawfully erected or displayed on the day the by—law comes into force, if the sign or advertising device is not substantially altered, and the maintenance and repair of the sign or advertising device or a change in the message displayed shall be deemed not it itself to constitute an alteration.

SECTION 4 - PERMITS

4.1 a) No person shall erect, display, alter or repair or allow the erection, display, alteration or repair of any sign within the City of Thunder Bay without first obtaining a permit therefore.

b) A change in the message displayed on the sign does not constitute an alteration so as to require a permit.

4.2 No person shall erect, display, alter or repair a sign or part thereof except in accordance with:

a) this By—law; and

b) the plans, drawings and specifications on the basis of which a permit has been issued; and

c) the applicable provisions of the Ontario Building Code.

4.3 The application for the permit shall be accompanied by the following information filed in duplicate:

a) completed drawings and specifications of the sign and the supporting framework; and

b) plans indicating the location of the proposed sign on the building relative to vehicular access, doors, windows, and other existing signs on the site; and

c) site plans to scale indicating the location of the proposed sign on the site, street lines and other boundaries of the property and the location of the building thereon.

4.4 A permit may be refused for any sign that, if erected or displayed, would be contrary to the provisions of any By-law of the Corporation.

4.5 The fee for a required inspection and approval of plans shall be set out in Schedule "A" attached hereto.

SECTION 5 - GENERAL REGULATIONS AND PROHIBITIONS

5.1 (a) Except where otherwise expressly permitted or prohibited in this By—law, no sign shall be erected, displayed, altered or repaired so as to be closer than 0.3 metres to any street or property line.

b) Where the distance between a building and the street or property line is less than 0.6 metres, a wall sign may be permitted, provided that the wall sign projects no more than 0.25 metres from the building.

5.2 No sign shall be erected, displayed, altered or repaired in any location where it directly interferes with, obstructs the view of, or is confused with, any traffic sign, signal or device.

5.3 No sign shall be erected, displayed, altered or repaired in such a manner as to materially impede the view of any driveway, lane, street or highway intersection, or in such manner as to materially impede the view of the intersection of the street or highway with a railroad crossing.

5.4 No sign or any lighting fixture or other device associated with a sign which projects over a sidewalk or other public pedestrian walk shall be located lower than 3.5 metres above the surface of the sidewalk or other public pedestrian walk.

5.5 No sign shall be erected, displayed, altered or repaired so as to prevent or impede free access by emergency response personnel to any part of a building.

5.6 Illuminated signs shall be erected, displayed, altered or repaired so as to divert light away from an adjacent premises and street.

5.7 Every sign shall be kept in good repair and safe and in a secure condition go as not to endanger the safety of persons or property at all times.

5.8 Where a sign is not constructed of galvanized or corrosion resistant material, it shall be maintained in a painted condition and clean of rust.

5.9 Every sign for which a permit is required shall be subject to an inspection by the Building Inspector when completed.

5.10 Nothing in this By—law shall permit a sign to be erected, displayed, altered or repaired where such is specifically prohibited by the Zoning By—law.

5.11 Any sign or part thereof which advertises a business which is no longer operating or a service which is no longer being offered, must be removed within 60 days of the discontinuance of such business or service.

5.12 Except where otherwise expressly permitted in this By—law, no sign or any part thereof is permitted to be erected or displayed upon or encroach onto or over any property owned by the City of Thunder Bay.

SECTION 6 - TEMPORARY OPEN HOUSE REAL ESTATE SIGNS

6.1 Temporary open house real estate signs are permitted without a permit and may be erected or displayed upon a road allowance provided that:

a) the sign does not interfere with the use of the street or sidewalk; and

b)the sign is displayed only during the actual times of the open house; and

c) the area of the sign shall not exceed 0.4 square metres per side and the height shall not exceed 0.75 metres.

SECTI0N 7 - MOBILE SIGNS AND BILLBOARD SIGNS

7.1 No person shall erect, display, alter or repair, or cause to be erected, displayed, altered or repaired, any mobile sign or mobile billboard sign unless:

a) an application for a permit therefor has been submitted to the Building Services Office and such application has been endorsed by the person for whom or on whose behalf the sign is proposed to be installed, erected or displayed, or by such person's agent; and

b) a permit has been issued and is valid for the date or dates upon which such sign is displayed; and

c) such sign displayed within thirty days of the date of issuance of such permit.

7.2 No permit shall be issued to permit a mobile sign or mobile billboard sign to be displayed on any one property for a period of less than one month or for a consecutive number of days longer than four months or for a cumulative period of more than eight months in any calendar year provided, however, that for the purposes of this clause, each commercial tenant of a multi—occupancy commercial building shall be deemed to occupy separate property.

7.3 No person shall erect, display, alter or repair a mobile sign or mobile billboard sign which does not have permanently affixed thereto in a readily identifiable location, the name and current business telephone number of the owner of such sign.

7.4 No person shall erect, display, alter or repair a mobile sign or mobile billboard sign which:

a) is closer than 5.0 metres to the intersection of two street lines; or

b) is closer than 1 metre to any property line.

7.5 No person shall erect, display, alter or repair more than one mobile or mobile billboard sign at any one time on any property except where the property has a frontage greater than 50 metres, in which case one mobile or mobile billboard sign for every 50 metres frontage or part thereof may be permitted. In no case shall a mobile sign or mobile billboard sign be erected or displayed closer than 5 metres to another mobile sign or mobile billboard sign already erected or displayed on the same or another property.

7.6 Notwithstanding any other provisions of this By—law, no mobile sign or mobile billboard sign shall be erected or displayed on any public road allowance.

SECTION 8 - SIGNS IN RESIDENTIAL, RURAL RESIDENTIAL AND OPEN SPACE ZONES

8.1 No person shall erect, display, alter or repair or permit a sign in a Residential, Rural Residential or Open Space Zone, save and except the following:

a) Real estate signs exceeding 1.0 square metre in area but not exceeding 4.6 square metres in area are permitted in Rural Residential, Residential Estate and Open Space Zones only.

b) One sign not exceeding 0.19 square metres in area, indicating a business, profession or occupation lawfully conducted upon the property.

c) Where a farm is located in a Residential Zone, one sign not exceeding 1.0 square metres in area advertising farm products raised or produced on the premises.

d) One identification sign having a maximum area of 5.0 square metres is permitted for a golf course located upon the same property and where such golf course abuts more than one street an additional sign may be permitted for each additional street frontage.

e) One identification wall sign not exceeding 3.O square metres is permitted upon an apartment building.

f) One identification ground sign not exceeding 3.0 square metres is permitted at an apartment development and where such development abuts more than one street, two such signs are permitted.

g) One non—illuminated ground sign not exceeding 60 square metres in area and 9 metres in height, advertising a lawful business conducted at another location, shall be permitted on each property in an Open Space Zone, Rural Residential Zone or Residential Estate Zone, provided that no such sign shall be erected or displayed closer than 30 metres to any other sign already erected or displayed on the same or another property.

8.2 One mobile sign is permitted in a residential zone for less than one week to announce a birth, birthday, anniversary or similar personal event provided that any such sign shall not be illuminated between the hours of 10:00 p.m. and 8:00 a.m.

SECTION 9 - SIGNS IN COMMERCIAL ZONES

9.1 No person shall erect, display, alter or repair or permit a sign in a Commercial Zone save and except the following:

a) roof signs not exceeding 10 square metres may be erected on the roof of a commercial building. Not more than one such sign shall be erected on one property. Where two such signs are erected back to back on a single supporting structure, they are deemed to be one sign for the purpose of this section.

b) The following ground signs are permitted:

i) On vacant land, ground signs having a maximum area of 50 square metres and maximum height of 7.5 metres.

ii) Ground signs having a maximum height of 7.5 metres and a maximum advertising area of 24 square metres.

iii) At shopping centres, one ground sign advertising a lawful business or service conducted, or product sold within the building or upon the premises, such sign to have a maximum advertising area of 24 square metres and a maximum height of 7.5 metres, provided however, that in the case of a shopping centre having frontage totaling not less than 200 metres in length, two such ground signs are permitted and such signs may have a maximum advertising area of 46 square metres per sign and a maximum height of 14 metres.

iv) A sign not exceeding 1.1 square metres in area is permitted upon a public parking lot provided that such sign shall be related exclusively to the use carried on therein.

Wall, projecting, marquee and canopy signs are permitted on the exterior of commercial building provided that the total area of all such signs on any part of a commercial building shall not exceed 23.2 square metres except that on the side of a corner building facing a residential street a wall sign shall not exceed a maximum area of 4.7 square metres; provided, in a case of a commercial building erected on a lot having a frontage greater than 15 metres, the total area of all such signs fronting on the commercial street may be increased on a pro—rata basis in accordance with the amount that the frontage exceeds 15 metres.

SECTION 10 - SIGNS IN INDUSTRIAL, INSTITUTIONAL AND FUTURE DEVELOPMENT ZONES

10.1 No person shall erect, display, alter or repair or permit a sign in an Industrial, Institutional or Future Development Zone save and except the following:

a) Roof signs not exceeding 10 square metres.

b) The following ground signs are permitted:

i) Ground signs having a maximum area of 50 square metres and a maximum height of 7.5 metres are permitted on vacant land, and if illuminated, they shall be so constructed and located so as to divert light away from adjacent streets and residential zones.

ii) One ground sign having a maximum area of 7.6 square metres and maximum height of 7.5 metres is permitted on any lot developed and used by buildings permitted in an industrial zone. In the case of a building erected on a lot having a frontage greater than 45 metres, the maximum area of the sign may be increased on a pro—rata basis in accordance with the amount which the frontage exceeds 45 metres.

iii) A real estate sign exceeding 1.0 square metre in area but not exceeding 4.6 square metres in area may be permitted on vacant land.

Wall signs, the total area of which do not exceed 24 square metres, for the purpose of advertising a lawful business or service conducted or products manufactured or sold within the building, may be erected on walls of buildings.

SECTION 11 — SIGNS AT AUTOMOTIVE SERVICE STATIONS

11.1 No person shall erect, display, alter or repair or permit a sign, identification letters or advertising devices at an automotive service station, save and except the following:

(a) At a corner automotive service station- the following are permitted:

i) One roof sign not exceeding 10 square metres.

ii) Wall signs on the building, on elevations facing a street, not exceeding 5 square metres each and the total area of all such signs not to exceed 10 square metres.

iii) Two ground signs not exceeding 10 square metres per face in area each, located between the building and the street line, such signs to be located at least 7 metres distance from the point of intersection of the two street lines, and in the case where such street lines meet on a curve, the signs shall be at least 7 metres distance from the mid—point of such curve.

iv) Two ground signs, maximum area of each not exceeding 5 square metres, may be located in a rear yard or side yard.

(b) All other automotive service stations:

i) One roof sign not exceeding 10 square metres.

ii) Wall signs on the building not exceeding 5 square metres each in area, on the elevations facing a street, the total area of such signs not to exceed 10 square metres.

iii) One ground sign not exceeding 10 square metres in area, located between the building and the street line, such sign to be located not less than 3 metres from the side lot line when such lot line is adjacent to a residential zone.

iv) Two ground signs, maximum area of each not exceeding 5 square metres, may be located in a rear yard or side yard.

SECTION 12 - NON-CONFORMING SIGNS AND UNLAWFUL SIGNS

12.1 Whenever a Building Inspector or Municipal Law Enforcement Officer finds a sign to be in violation of any provisions of this by—law, he may, by registered mail or by personal service, give a written Notice of Violation to the property owner and/ or the property occupant and/or the owner of the sign, requiring them or either of them to make such sign comply with this By—law within 14 days of the issuance of such Notice.

12.2 A person who,

(a) has caused a sign to be erected, displayed, altered or repaired without first having obtained a permit to do so; or

(b) having obtained a permit has caused a sign to be erected, displayed, altered or repaired contrary to the approved plans in respect of which the permit was issued; or

(c) has caused a sign to be erected, displayed, altered or repaired contrary to this By—law,

shall make such sign comply with the provisions of this By—law or remove such sign within 14 days of the issuance of a written Notice of Violation.

12.3 Despite any other provisions of this section, if upon inspection by a Building Inspector or Municipal Law Enforcement Officer, the Inspector or Officer is satisfied there is non—conformity with this By—law to such extent as to pose an immediate danger to the health or safety of any person, the Building Inspector or Municipal Law Enforcement Officer may issue the Notice of Violation verbally and may require the work to be done forthwith to terminate the danger.

12.4 If a Notice issued under Section 12.1 or Section 12.3 is not complied with, the Corporation may pull down and remove the sign or cause it to be pulled down and removed, at the expense of the owner of the sign.

12.5 A sign so removed shall be stored by the Corporation for a period of not less than 30 days, during which time the sign owner or his agent is entitled to redeem the sign upon receipt by the Treasurer of the Corporation of sufficient funds to cover the cost incurred by the Corporation in the removal and storage of the sign.

12.6 Where the Corporation has proceeded under Section 12.4, a copy of an invoice for any costs incurred, together with a certificate by the Treasurer indicating that:

i) the invoice has been sent to the person liable to pay the same; and

ii) no payment or insufficient payment has been received for the invoice; and

iii) payment for the invoice is overdue;

shall be sufficient authority to enter the amount of the unpaid balance of the invoice on the tax collector’s rolls and collected in like manner as municipal taxes.

SECTTON 13 - APPEAL FOR SIGN VARIANCE

13.1 The Corporation recognizes that there may be exceptions to the rule and an appeal to the Council of the Corporation may be made for minor variances to this By—law.

13.2 An application for a minor variance must be forwarded to the City Clerk, in writing, stating the reason for such variance and be accompanied by the required documents as set out in Section 4.3.

SECTION 14 – 'A' - SPECIAL REGULATIONS TO COVER SIGN ERECTION ALONG BALMORAL AVENUE BETWEEN MCINTYRE RTVER AND OLIVER ROAD

14.1 The provisions of this Part shall apply to all lands abutting on Balmoral Street between the McIntyre River and Oliver Road.

14.2 The provisions of this Part shall prevail over the remaining provisions of this by—law in respect of the lands to which this Part applies and otherwise, the provisions of this by—law shall apply to the said lands.

14.3 No signs shall be erected upon the lands to which this Part applies except ground signs and wall signs.

14.4 The message carried by a ground sign shall relate solely to the use of the property upon which it is located.

14.5 No ground signs shall be located less than 1.5 metres from the property line adjacent to Balmoral Street nor less than 1.5 metres from any side property line.

14.6 All ground signs shall consist of not more than two faces and shall be constructed with non—combustible frames and supported on concrete foundations. The face of a sign may be of combustible material and illuminated but shall not be rotating.

14.7 The maximum size of each face of a ground sign shall be 5.65 square metres, and if multiple signage is used, the maximum height of each individual sign section shall be 45 centimetres.

14.8 All wall signs shall be constructed of non—combustible frames with combustible or non—combustible facing and shall consist of not more than 9.3 square metres in total area.

14.9 No wall sign shall be illuminated externally.

SECTION 15 - PENALTY

15.1 Any person violating any of the provisions of this By—law is guilty of an offence and shall be subject to a penalty of not more than Two Thousand Dollars ($2,000.00), exclusive of costs, and all such penalties shall be recoverable under The Provincial Offences Act.

SECTION 16 - EFFECTIVE DATE

16.1 By—law Number 60—1970 of The Corporation of the City of Thunder Bay and amendments thereto are hereby repealed.

16.2 This By—law shall come into force and take effect upon the final passing thereof.

Enacted and Passed this 25th day of May, A.D. 1992 as witnessed by the Seal of the Corporation and the hands of its proper Officer.

Schedule "A"

Encroaching Signs

a) The annual fee for an encroaching sign shall be the greater of $50.00 or $2.50 per square metre of sign face.

b) Every permit for an encroaching sign shall be for a period of one year beginning with the first day of January and expiring on the 31st day of December.

c) Every encroaching sign that continues in existence after the expiry date shall be subject to a renewal of licence at the rate prescribed in paragraph a).

Mobile ana Mobile Billboard Signs

a) The fee for inspection and approval of a mobile sign or mobile billboard sign shall be:

Mobile Sign	$20.00
Mobile Billboard Sign	$50.00

b) Every permit for a mobile sign or mobile billboard sign shall specify the date or dates and the location upon which the sign may be displayed and shall not be valid for any other time or location.

All Other Signs

a) The fee for inspection and approval of all other signs shall be the greater of $20.00 or $2.50 per square metre of sign face.

THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 135/2016

A By-law to amend By-law 135-1992, being a By-law to prohibit and regulate signs and other advertising devices in The City of Thunder Bay.

Recital

1. By-law 135-1992, enacted and passed May 25, 1992, is a by-law to prohibit and regulate Signs and other advertising devices in the City of Thunder Bay.

2. On November 28, 2016, City Council approved the recommendations of Committee of the Whole dated November 21, 2016, arising out of Report No. R 144/2016 (Licensing and Enforcement). The resolution authorizes that amendments be made to the City's Sign By-law No. 135-1992.

3. City Council deems it necessary and expedient to amend By-law 135-1992.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. Section 5.6 is amended by deleting "Illuminated signs shall be erected, displayed, altered or repaired so as to divert light away from an adjacent premises and street." and replacing it with the following:

5.6 (a) Illuminated and electronic signs shall be erected, displayed, altered or repaired so as to divert light away from an adjacent premises and street.

(b) flashing and animated signs are prohibited.

(c) Illuminated and electronic signs shall be turned off or dimmed between the hours of 10:00 p.m. and 8:00 a.m. as directed by the designated City official.

(d) Illuminated and electronic signs shall have a transition time of one (1) second between messages, and a minimum ten (10) second dwell time of messages.

2. Section 5.12 is amended by deleting "Except where otherwise expressly permitted in this By-law, no sign or any part thereof is permitted to be erected or displayed upon or encroach onto or over any property owned by the City of Thunder Bay." and replaced with the phrase "No sign or any part thereof is permitted to be erected or displayed upon or encroach onto or over any property owned by the City of Thunder Bay unless authorized by the General Manager, Development and Emergency Services Department.

3. Section 5 – GENERAL REGULATIONS AND PROHIBITIONS is amended by adding the following section:

5.13 No person shall erect or cause to be erected or maintain any permanent sign that is not specifically permitted by this by-law.

4. Section 2 DEFINITIONS is amended by adding, in alphabetical order: the following definitions:

"Animated Sign" means movement, motion or the appearance of motion by way of a motion picture, streaming video, television, LED screens or any technology that would facilitate motion or the appearance of motion.

"Dwell Time" means the length of time a static image or message is displayed on a Sign.

"Electronic sign" means an illuminated sign which is electronically controlled.

"Flashing Sign" means a sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted light source.

"Illuminated Sign" means a sign or advertising device that is lighted by any artificial means whatsoever, and shall include direct, indirect, internal or external sources of illumination.

"Transition Time" means the time it takes to change an electronic message.

5. This By-law shall come into force and take effect on the date it is passed.

Enacted and passed this 28th day of November, A.D. 2016 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Mayor

Deputy City Clerk

CERTIFIED TRUE COPY

Deputy City Clerk

THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 22/2017

A By-law to amend By-law 135-1992, being a By-law to prohibit and regulate signs and other advertising devices in The City of Thunder Bay.

Recitals

1. By-law 135-1992, being a by-law to prohibit and regulate Signs and other Advertising Devices in the City of Thunder Bay was enacted and passed May 25, 1992.

2. On March 13, 2017, City Council approved the recommendations of Committee of the Whole dated February 27, 2017, arising out of Report No. R 38/2017 (Development and Emergency Services - Licensing and Enforcement).

3. City Council deems it necessary and expedient to amend By-law 135-1992.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. SECTION 9 – SIGNS IN COMMERCIAL ZONES is amended by adding the following section:

9.1 (b) (v) One ground sign is permitted for properties with up to one-hundred metres of frontage, with a maximum of two signs permitted provided the total frontage exceeds one-hundred metres.

2. This By-law shall come into force and take effect on the date it is passed.

Enacted and passed this 13th day of March, A.D. 2017 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Keith Hobbs
Mayor

Krista Power
Deputy City Clerk

CITY OF Thunder Bay
Superior by Nature

Memorandum

Corporate By-law Number: 288-2023-Corporate Services-Licensing & Enforcement

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TO:	Office of the City Clerk	**FILE:**	xxxxxxx
FROM:	Full Name Division, Department		
DATE PREPARED:	September 6, 2023		
SUBJECT:	By-law 288-2023 – A by-law to amend By-law 135-1992, to prohibit and regulate signs and other advertising devices		
MEETING DATE:	City Council - September 25, 2023		

By-law Description: A by-law to amend By-law 135-1992 being a by-law to prohibit and regulate signs and other advertising devices, in the City of Thunder Bay.

Authorization: Report 173/2023 (Development & Emergency Services / Licensing & Enforcement) Committee of the Whole - May 8, 2023

By-law Explanation: The purpose of this by-law is to amend By-law 135-1992 being a by-law to prohibit and regulate signs and other advertising devices, in the City of Thunder Bay.

Schedules and Attachments:

Amended/Repealed By-law Number(s):

THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER 288-2023

A By-law to amend By-law 135-1992, being a by-law to prohibit and regulate signs and other advertising devices in the City of Thunder Bay

Recitals

1. By-law 135-1992, enacted and passed May 25, 1992, is a by-law to prohibit and regulate Signs and other advertising devices in the City of Thunder Bay.

2. Section 8 of the *Municipal Act, 2001*, as amended provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues.

3. Section 10 (2) of the *Municipal Act, 2001*, as amended, grants broad authority to a single tier municipality to pass by-laws respecting, among other thing, matters concerning economic, social and environmental well being of the community, including signs.

4. City Council deems it expedient to amend the City's Sign By-law 135-1992, to effectively regulate mobile signs and to encourage greater overall adherence and compliance to all requirements of the by-law.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. SECTION 2 - DEFINITIONS is amended by inserting, in alphabetical order, the following definitions:

"Agent" means any person, other than the owner(s) of property, which makes application for a sign permit on behalf of the owner or authorized tenant or other person with owner's consent.

"City" shall mean the Corporation of the City of Thunder Bay, Ontario.

"Manager" means the Manager of Licensing & Enforcement or designate or a person(s) assigned delegated signing authority for Sign Permits.

"Municipality" means the Corporation of the City of Thunder Bay

"Municipal Act 2001" means the Municipal Act, 2001 S.O. 2001, c25, as amended.

"Officer" means any Municipal Law Enforcement Officer appointed under the Police Services Act, Police Officer or other persons authorized to enforce this By-law by the City of Thunder Bay.

"Owner" means the registered owner(s) of a Land or their lawfully appointed representative.

"Person" includes the owner, tenant, lease holder, an agent, a corporation or individual human being(s).

"Sign Height" means the distance from the average original grade level at ground, measured vertically to the highest point of the sign structure.

"Tenant or Lessee" means a person, other than the owner, that has a lawful right of use of the land or portion(s) of that land, subject to a written legal contract such as a tenancy or lease agreement.

2. SECTION 4 – PERMITS is amended by deleting subsection 4.5 and replacing it with:

4.5 The fee for required permit review, including approval or denial, shall be set out in the appropriate user fee schedule in the City's fees and charges By-law, as amended or replaced from time to time.

3. SECTION 4 – PERMITS is amended by adding the following:

4.6. (a) All applications shall be submitted in the format(s) made available by the City and must be regular and complete on their face bearing accurate and readable information and accompanied by the appropriate fee before processing.

(b) Any applications received that are incomplete, inaccurate or illegible may be rejected for processing and may be subject to an additional re-processing fee if resubmitted.

(c) Any applications received by an Owner/Agent, who has been notified by an Officer of a non-compliance issue with another sign of the Agent, the Manager may refuse the issuance of any additional permit(s) until full compliance with the by-law is obtained concerning outstanding compliance issues, including outstanding fees or fines owed to the municipality and will notify the applicant of the reason(s) for refusal.

(d) The Manager may impose any terms and conditions to a permit, where deemed appropriate, to prevent or manage potential issues the City considers

relevant from time to time or where the applicant has demonstrated non-compliance in the past.

4.7 An Officer, in consultation with the Manager, may revoke any permit issued where the Owner or Agent does not erect, construct or maintain the sign in accordance with the approved application plans, terms or conditions or the permit or fails to adhere to other provisions of the by-law; such signs shall be immediately removed from displaying any advertising and, if mobile a sign, removed from location.

4. SECTION 7 – MOBILE SIGNS AND MOBILE BILLBOARD SIGNS is amended by deleting subsection 7.1 (a) and replacing it with the following:

7.1 (a) an application for a permit thereof has been submitted to the Manager and such application has been endorsed by the person for whom or on whose behalf the sign is proposed to be installed, erected or displayed, or by such person's authorized agent; and

5. SECTION 7 – MOBILE SIGNS AND MOBILE BILLBOARD SIGNS is amended by adding the following subsections:

7.7 (a) No person shall allow a mobile sign or mobile billboard sign to remain erected past the expiry date of the current permit unless seven (7) days prior to that expiration date, a request for a new permit and appropriate fee are submitted to the Manager.

(b) No person shall allow a mobile sign or mobile billboard sign to be erected or displayed longer than eight (8) calendar months in any twelve-month period immediately preceding the application date, on any land except where another commercial tenant of a multi-occupancy commercial building, subsequently obtains the required permit under the provisions of subsection 7.2.

(c) Every mobile sign or mobile billboard sign, who's permit has expired and not renewed or been revoked, shall immediately remove all visible advertising and remove the sign within seven (7) days of the expiration of the last permit.

(d) Notwithstanding subsection 7.7(c), the requirement to remove an expired sign within seven (7) days; where extenuating circumstances exist, including environmental limitations, the Manager can, upon request, exempt persons from complying with the removal timeline where all other provisions are complied with, for such period the Manager deems appropriate.

7.8 (a) Where a mobile sign or mobile billboard sign is erected or displayed on private lands, without an authorizing permit first being issued, the Manager can order the sign removed and may refuse any future permit be issued for the lands for, any mobile signs or mobile billboard signs, for a period of up to four (4)

months for the first occurrence on that property or up to one (1) year for subsequent occurrence on those same lands.

(b) Notwithstanding section 7.8(a), the imposition of any suspension from issuing a permit on subject lands, the Manager may, at their discretion and upon paying the appropriate fee, issue a permit with appropriate terms and conditions for anytime within the suspension period.

7.9 The Manager has the right to vary any prescribed user fee in the by-law, to a lesser amount, including without any charge, where the circumstances warrant such considerations to be appropriate and such change shall be noted on the permit and reasons recorded in the permit file.

6. SECTION 12 – NON-CONFORMING SIGNS AND UNLAWFUL SIGNS is amended by deleting the following:

All Existing Sections being: SECTION 12 – NON-CONFORMING SIGNS AND UNLAWFUL SIGNS, 12.1, 12.2 (a,b,c), 12.3, 12.4, 12.5, 12.6 (i-iii), and replaced with the following section and subsections:

7. SECTION 12- NOTICES, ORDERS, REMEDIAL ACTIONS

12.1 Any Officer, who believes a contravention of this by-law is occurring or has occurred, may issue a notice of violation in any form, including an order, to any person deemed appropriate, including the owner of land, requiring that person to comply with the notice in the manner and timeframe setout therein.

12.2 It is an offence for any person to fail to comply with a notice of violation or an order.

12.3 If a person fails to do a matter or thing as directed or required by this By-law, including to comply with an order under this By-law, the City may, in default of it being done by the person directed or required to do it, do the matter or thing at the person(s) expense.

12.4 For the purposes of subsection 12.3, the Municipality may enter upon land at any reasonable time.

12.5 The Municipality may recover the costs of doing a matter or thing, under subsection 12.3, including assessing user fees and removal and storage cost, from the person directed or required to do it by action or by adding the costs to the tax roll of the property where the sign was located, and collecting said costs in the same manner as property taxes.

12.6 The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien. The lien is in respect of all costs that are payable at the time the notice is registered plus

interest accrued to the date the payment is made. Upon receiving payment of all costs payable plus interest accrued to the date of payment, the City shall register a discharge of the lien in the proper land registry office.

8. SECTION 15 – PENALTY is amended by deleting the section in its entirety including subsection 15.1, and by replacing it with the following section and subsections:

9. Section 15 – OFFICER POWERS OF ENTRY

15.1 An Officer, in accordance with the powers of entry set out in section 435(1) and 436(1) of the Municipal Act 2001, may enter onto land at any reasonable time for the purpose of carrying out an inspection to determine whether the following are being complied with:

a) any requirements of this by-law and/or the conditions of any permit issued thereunder.

b) any direction or order issued by the municipality, under this by-law.

c) a condition of a license issued under this by-law.

d) any court order, issued pursuant to section 431 of the Municipal Act 2001.

10. SECTION 16 – EFFECTIVE DATE is deleted and renumbered as Section 23 – EFFECTIVE DATE.

11. The following sections and associated subsections shall be inserted after Section 15 – OFFICER POWERS OF ENTRY:

SECTION 16 - POWER TO REMOVE SIGNS: NON-COMPLIANT OR SAFETY

16.1 An Officer may immediately remove and impound any sign found erected, displayed, stored, or otherwise found upon City lands that does not comply with this By-law or other City approval.

16.2 An Officer may enter, remove and impound any sign on private lands which is not in compliance with the by-law and for which a notice has been issued and has not been fully complied with in either the timeframe provided or in the manner required.

16.3 Notwithstanding any requirement to provide a notice and time to comply prior to removing a non-compliant sign, where the Officer has reason to believe that due to a sign's location, operation, or other circumstance, that a potential health and safety risk exists to the public, including use by vehicles or pedestrians, or such a risk is likely to develop, the Officer may enter the property and take whatever steps the Officer feels appropriate to abate any such risks,

including causing the sign to be immediately removed and impounded or relocated at the owners expense.

16.4 Where an Officer removes an unlawful sign pursuant to subsections 16.1 or 16.2, the Municipality is not liable for any damages to the sign that might occur during removal and impoundment nor shall it be liable for any other losses, including advertising revenue, and further, the owner and any other persons responsible for the sign, shall be liable for all costs and fees to remove and impound any such signs.

16.5 Where an Officer removes or relocates a sign under subsection 16.3 related to public health and safety, the Municipality is not responsible for any damages to the sign that might occur during removal nor shall it be liable for any other losses, including advertising revenue, and the owner and any other persons responsible for sign, shall be liable for all costs and fees to relocate, remove and impound any such signs, except no storage fees shall be charged until after the third (3rd) day following the notification of the removal.

16.6 Where an Officer removes an unlawful sign under subsections 16.1 or 16.2, the Municipality will attempt to notify the apparent owner of the sign, where located on public property without clear ownership visible, or send notice to the owner of private lands where a sign was removed, including the contact information for recovery, and any applicable costs/fees required to be paid.

16.7 Where an Officer removes a sign pursuant to a health and safety concern under subsection 16.3, the Municipality shall send notice to the owner of property advising of contact and recovery information, including any applicable costs/fees required to be paid.

12. SECTION 17 - DISPOSAL UNUSABLE/UNCLAIMED SIGNS

17.1 Any signs removed by the City, under authority of this By-law that are suitable for reuse shall be stored for thirty (30) days for recovery by owner; unclaimed signs will be discarded or destroyed without compensation to any person.

17.2 Any person(s) wanting to recover any such sign(s) in the City's possession must prove ownership and pay all outstanding fees/charges owing within 30 days or they will have been deemed to have surrendered the property.

13. SECTION 18 - SERVICE OF ANY NOTICE OR ORDER

18.1 Any notice or order may:

(a) be delivered in person to an Owner or occupant, at the address of lands that are subject of the order or left with an inmate therein that is over that apparent age of eighteen years; or

(b) may be sent registered mail to the last known address supplied to the City's tax record and shall be deemed to be delivered on the fifth (5th) day after the date mailed; or

(c) may be posted in a conspicuous place on the property or placed in any open mail receptacle in proximity to the main entrance and shall be deemed to be delivered on the seventh (7th) day after being affixed/deposited; a copy shall also be sent the owners last known address.

(d) may deliver in person or by registered mail, as set out above, to the applicant or Agent who requested the related permit, by signing an application.

14. SECTION 19 - OBSRUCTION OF OFFICER PROHIBITED

19.1 No person, including the Owner, shall imped, interfere or obstruct an Officer in the execution of their duties or in the inspection of property required under this By-law, by doing any act, or refusing an Officer's direction, including refusing or impeding an Officer request or attempt for access to enter and inspect any property or structure thereon, except those actual areas used as a dwelling unit.

19.2 An Officer may be accompanied for an inspection by any person they believe qualified to assist in any manner for the purpose of inspection.

19.3 It is an Offence for any person to obstruct an Officer in the discharge of their duties.

15. SECTION 20 - OFFENCE AND PENALTY

20.1 Any person who fails to comply with any requirement of this By-law is guilty of an offence, and shall, upon conviction, be liable to a penalty as set out in Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time, or any successor thereof.

20.2 Any person who contravenes a provision of this By-law is also subject to a system of fines authorized by section 429 of the Municipal Act, 2001, and all contraventions of this by-law are designated as continuing offences for each day or part day they continue.

20.3 Every person who is convicted of an offence is liable to a minimum fine of three hundred dollars ($300) and a maximum fine of five thousand dollars ($5,000) for the first offence and a maximum fine of ten thousand dollars

($10,000) for each subsequent convictions under the By-law, to the maximum prescribed in the Municipal Act 2001.

20.4 Where a person who is not a corporation is convicted of multiple offences the total fine for all convictions shall not exceed five thousand dollars ($5,000) for the first day of any continuing offence, but each subsequent day shall be treated as a subsequent conviction and be subject to the penalties ascribed in this By-law for subsequent convictions.

20.5 Where a corporation is convicted of a second and subsequent convictions, the minimum fine shall not be less than five thousand dollars ($5,000) for each subsequent conviction to a maximum fine of one hundred thousand dollars ($100,000).

16. SECTION 21 - ADDITIONAL COURT ORDER

21.1 Where a conviction has been entered under this By-law, the court may make an order, pursuant to s. 431 of the Municipal Act, prohibiting the continuation or repetition of the offence by the person convicted.

17. SECTION 22 – GENERAL PROVISIONS

22.1 In the event of any conflict between this By-law and any other by-law of the City, the more restrictive shall prevail unless the context requires otherwise.

22.2 Should any provision of this By-law be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the part which was declared to be invalid.

18. SECTION 23 – EFFECTIVE DATE:

This By-law shall come into force and take effect on the date it is passed.

Enacted and passed this 5th day of June, A.D. 2023 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Ken Boshcoff
Mayor

Dana Earle
Deputy City Clerk